

NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

Local Plan 2011-2031 Objection, Reference LG6

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By Way of Introduction

You will have received the synopsis of my objection to the inclusion of LG6 in the current Local Plan and in my presentation today I will now expand upon that submission. I am here to object to the proposed development of LG6, a plot of land, of just under three acres, that sits between the Baldock Road and Radburn Way, Letchworth Garden City which is referred to as either the “Buffer State” or the “Buffer Strip” in much correspondence. Within my own notes I have references identifying supporting documentation should you wish to see them.

History of Site LG6

In the early 1950’s plans were advanced to build an industrial site and a separate housing estate in Letchworth which included LG6. In 1957 there were four objections to its development of what is known as the Jackmans Estate, which encompasses LG6, those objections were upheld by the then Secretary of State, who refused to sign the documents authorising the Compulsory Purchase Order until agreement had been reached with the objectors.

The objectors to the housing section (Schedule Part I) of the Compulsory Purchase Order, were:- Letchworth Town Football Club, Mr M. Greaves, 165 Baldock Road, Letchworth, Mr E.C. Sharp, 185 Baldock Road, Letchworth and Mr J. H. Reindorp, 179 Baldock Road Letchworth.

In a letter dated 23rd August, 1955 (A2) Mr Catlow, Hertfordshire County Planning Officer writes to Mr Plinston, Clerk to the Letchworth Urban District Council, (LUDC), informing him that formal planning permission for 198 acres, for housing, has been approved, subject to the provision of a “Buffer Strip” and raises the issue of preserving the privacy of the existing houses, the letter then enquires who would be responsible; i.e., “*would themselves retain and be responsible for “buffer state” for agricultural purposes or as extensions to existing back gardens in perpetuity*”. Who would be responsible for the administration of this strip of land is also discussed in the letter from Mr Catlow, (A20), to Mr Plinston, and is in no way ambiguous, it agrees to the inclusion of a “Buffer Strip” in order for the development to proceed.

A letter, (A6,A7) to Mr Sharp and Mr Reindorp respectively, confirms that the boundary of the proposed residential development is set 210ft from the rear curtilage of 185 Baldock Road and in Mr Reindorp's letter, states, that the plot of land he leases from First Garden City Limited, the then owners of the land, falls within the "Buffer Strip" to be preserved between the proposed Town Development and the rear of the houses on the Baldock Road. For further corroborating evidence that the "Buffer Strip" encompassed the rear of all of the existing houses is confirmed in Mr Plinston's letter of the 23rd August 1955, (A2).

A letter dated 19th May 1958, (Ref A10), from Mr Plinston, Clerk of the LUDC was sent to each councillor of the then LUDC, setting out the details of the Inspector's findings and confirming the Minister's decision on the two part Schedule, as part of the CPO. approving the housing development but incorporating the provision of a Buffer Strip". The agreement was in perpetuity, for benefit of the houses along the Baldock Road, subject to their objections being withdrawn. The "Buffer Strip" was incorporated into the housing development plan and would run to the rear of those houses on the Baldock Road and be approximately 210 feet wide by 1200 feet long and would only be available for agricultural purposes or as extension to back gardens in perpetuity. The "Buffer Strip" is referred to as LG6 in the current Local Plan. The letter to each councillor confirms the CPO, together with the agreed modifications and exclusions. The letter at paragraph 9 states:- *Other objections to the Compulsory Purchase Order had been made by the Letchworth Town Football Club, Mr M. Greaves, 165 Baldock Road, Letchworth, Mr E.C. Sharp, 185 Baldock Road Letchworth and Mr J.H. Reindorp, 179 Baldock Road, Letchworth. It was announced that agreement had been reached with these objectors and the Minister was asked to give effect to these agreements.* Paragraph 9 asks for the agreements with the objectors to be approved. Paragraph 12 reads ... *"and to confirm the Compulsory Purchase Order with modifications to effect the agreed exclusions so far as they relate to the land described in Part I of the Schedule to the Order, and without modification in so far as it relates to the land described in Part II of the Schedule"*. Paragraph 13 states, *"This letter is issued as the Minister's formal decision on both the application and the Compulsory Purchase Order"* Therefore, the Minister approved the new boundary to the housing development which confirmed the reduction of some three acres to that development; i.e. The Buffer Strip.

This was not a vague promise but a properly constituted agreement. On this basis when the objectors withdrew their objections the Secretary of State signed the Compulsory Purchase Order. The Compulsory Purchase Order therefore covers the "Buffer Strip" but the Town Development Plan excludes it. With this agreement in place the residents withdrew their objections and the Jackmans Estate was built.

The location of the four objectors is significant as they represent the two ends and two middle properties abutting the "Buffer Strip". It seems Mr Greaves of 165 was happy to accept that the existing footpath, which marked the western boundary of his property should continue and this is still in existence today, and the "Buffer Strip" begins at the western boundary of 167 Baldock Road to the eastern boundary of 203 Baldock Road.

The completed Compulsory Purchase Order, signed by the Minister of State, comprised a total of 218 acres, i.e. 20 acres for industrial use off Icknield Way and 198 acres for housing. However, modifications were made to the Town Development proposals and only 215 acres were allocated for building works i.e. 20 acres for industrial use and 195 acres for housing. The figure for the industrial estate remained constant; the figure for the housing estate was modified. Thus the remaining 3 acres is the "Buffer Strip". This strip of land was included in the Compulsory Purchase Order but excluded from the development of the Jackman Estate. The NHDC mentions the "Buffer Strip" as being 2.36 acres and the residents do not dispute this figure. However the discrepancy can be explained that an area which lay between the BP garage and the Football Club later became the entrance to Radburn Way from the Baldock Road, and covers the difference of 0.64 acres. It was possible to build the road and the garage as there were no properties on the Baldock Road between the eastern boundary of 203 Baldock Road and the western boundary of the Football Club. There was no conflict of interest on this point as the signed agreement provides for a "Buffer Strip" which was specifically "for the benefit of the existing houses along the Baldock Road".

Years passed and the Letchworth Urban District Council became part of the North Hertfordshire District Council, the latter inheriting all the Urban District Council's duties and responsibilities including the care of the Buffer State, which was by this time known as the Buffer Strip.

In the late 1970's NHDC authorised 34 to 44 Radburn Way to be built on what had been land originally designated for police houses. The NHDC plan was to build several chalet bungalows along a piece of open land to the south side of, but not on, the "Buffer Strip", the NHDC Council honouring their obligation to maintain the integrity of the Buffer Strip. Circa 1980 nos. 35 – 44 Radburn Way were built, finally sealing the western end of the Buffer Strip which was now surrounded by properties. A narrow road was provided between nos. 38 - 39 Radburn Way to allow access to the rear of these properties; this did not encroach on the Buffer Strip and NHDC honoured their obligations relating to the "Buffer Strip" but effectively sealed its western arm.

At some point in the 1980/1990's North Hertfordshire District Council changed the designation of the Buffer Strip from agricultural land to "*zoned residential on the Local Development Plan*". This flew in the face of the agreement that the land was ***for agricultural purposes or as extensions to existing back gardens in perpetuity***, this change in terminology was made without the knowledge, let alone the approval of the residents abutting the "Buffer Strip". (Ref C3).

During 1996 it became apparent that a move was afoot to use the "Buffer Strip" for housing. The residents were not consulted and only became aware of this when the people renting the allotments were given a one year notice to vacate. The proposal was to replace Freeman House, an old peoples home which at that time was around thirty years old. The plan was to build old people's bungalows on the "Buffer Strip". It was patently obvious that this was not the true situation as the "Buffer Strip" was far too large for such a small project and the residents suspected an ulterior motive,

the redevelopment of Freeman House being merely a cover for the development of the "Buffer Strip". They believed there was a hidden agenda, this being to break the agreement and sell the land for housing.

During this period a neighbour who was about to purchase a house backing onto the "Buffer Strip", and worked in the planning department of the NHDC, asked for, and was given, permission to look at the records of the "Buffer Strip". As he was only looking during his lunch time, he did not get back to the archives until some three weeks after his first investigations. He found the archives had disappeared.

At this stage several residents, unbeknown to each other, took up the case with various departments of the North Hertfordshire District Council. Each protestor suffered delays and prevarication. I myself had several pieces of correspondence with Mr Brown of the Estates Department, in which, in a letter dated the 10th September 1996, he refers to a restrictive agreement on the Buffer Strip, which suggests that the Council Planning Department was aware a restrictive agreement existed, (Ref C11).

A further letter from Mr Brown dated 10th December 1996, (Ref C15), states that "*As part of this process a Compulsory Purchase Order was made and confirmed by the Minister, but the Council decided to exclude from the actual development the land which we are now discussing*". Messrs Plinston and Catlow's letters in 1958 clearly show that the Minister did not sign the Compulsory Purchase Order until all objections had been resolved. Mr Brown also refers to the Head of Legal Services opinion, that the Buffer Strip could be developed, (Ref C15), which I challenged in my letter to Mr Brown dated the 14th December 1996, on the basis it was not an independent opinion, (Ref C16). Mr Brown did not respond to this letter but a reply was received from a Mr Devonald, (Ref C17). who says, "*I note what you say regarding the status of the Buffer Strip. I do not believe that there is any discrepancy between us as to fact but merely as to interpretation of fact*".

Matters continued to unfold and it became apparent that the NHDC had a proposal to develop the "Buffer Strip". The matter was submitted to the Housing Services Sub Committee on the 2nd January 1997, (Ref C25). The Housing Services Sub Committee was not made aware of any conflict of interest and voted to accept the proposal to develop the "Buffer Strip". It is interesting to note that the NHDC Officers were so confident that Members would vote to accept the proposal that allotment holders within the Buffer Strip had been given notice to vacate in July 1996.

In the minutes of the Housing Services Sub Committee, 2nd January 1997, (Ref C18), The Head of Estates, at minute 36, says that "*the order had been modified to exclude a small portion to the rear of 165 Baldock Road*". Subsequent to the Housing Sub Committee Meeting on the 2nd January 1997 I received a letter from Mr Devonald, (Ref C21), dated the 15th January indicating that I should address all further correspondence to Mr D Bowler, Estates Department, Hertfordshire County Council. This implies that consent was a foregone conclusion although the matter had yet to be discussed by the NHDC Housing Services Committee and the full Council. The letter from Mr Devonald makes no reference that a meeting of the Housing Services Committee was due to take place on the 21st January 1997 to discuss this matter.

Knowing that I would not be able to speak at the Housing Services Committee meeting on the 21st January 1997 I wrote to the Members of the Housing Services Committee on the 16th January 1997, (Ref C22), setting out a brief history and concerns relating to the "Buffer Strip", took it to the council offices and asked that it be copied to Members of the Housing Services Committee. Some days later I came into possession of a copy of documentation, (Ref A2) which included Mr Catlow's response to Mr Plinston's letter, of early 1958 and I therefore returned to the Council Offices and asked if that documentation and letters could also be copied to the Members of the Housing Services Committee. The receptionist told me it would be a lot quicker and easier to just send a copy to every councillor, I was happy for this to happen. In the documentation presented was the statement "*For the benefit of the existing houses along the Baldock Road*", followed by, "*a buffer state be incorporated in perpetuity*". Before the meeting of the Housing Services Committee on the 21st January 1997, my wife, Mrs L Switzer, decided to check to see if the councillors had received the documentation so chose a councillor, at random, of the then councillors and spoke, via the telephone, to a lady councillor who said, "*I can't believe this. I was one of the original committee set up to look into this proposal. When we asked for any documentation relating to the site we were told, "There was none"*".

The first time the residents living adjacent to the "Buffer Strip" realised they were not alone was when several of them attended, as observers, at the meeting of the Housing Services Committee 21st January 1997. At that meeting, despite a completely biased presentation by Mr Devonald, the Committee, having seen the evidence provided by myself the previous week, declined to endorse the recommendation by the Housing Services Sub-Committee and voted, unanimously, to send it through, to the full Council with a recommendation that this land, i.e. the Buffer Strip, "*be preserved from future development for the benefit of the community and the environment for the foreseeable future*", (Ref C28 and C25a, minute 401).

On the morning that the full council was due to make its decision, Tuesday 25th February 1997, I received, from Mr Devonald, the NHDC solicitor, a letter to the effect that the decision had gone against the residents and that from now on I would have to deal with the Hertfordshire County Council, (Mr Bowler). I found this very odd as the meeting to make that decision was not due to take place until that evening. I no longer have this letter but a file copy should be in the legal department archives of the NHDC. This letter was much longer than the one Mr Devonald had sent me on the 15th January, 1997 which had also referred me to Mr Bowler.

In letters to several people, myself included, Mr Devonald quoted the date of the full council meeting as the 27th February 1997. In Mr Brown's letter of the 31st January 1997 he gave me the 25th February 1997 as the date of the full Council meeting. I, therefore, delivered a small paper to all properties surrounding the Buffer Strip informing them of the true date, time and place of the meeting. At the council meeting a Mr Wearmouth told me he only found out about the date of the full council meeting so late he almost missed it, as a letter from Mr Devonald had told him that the meeting was fixed for a date two days later than it actually was.

Before the meeting I approached Mrs A E Carss (Madam Chairman) to see if the order of the agenda could be altered, there being around 70 residents from properties surrounding the Buffer Strip, who would be able to leave after the item had been dealt with. Mr Devonald attempted to block my path and said I could not speak to Madam Chairman, I replied I could, as the meeting had not yet commenced. I sidestepped Mr Devonald and spoke to Mrs Carss who agreed it would make things easier and altered the running order of the meeting in accordance with Standing Order 4.2, (Ref C37, and Minute 465).

At the full council meeting on 25th February 1997, Councillor JJ Wilkinson presented the residents case with the result that the councillors, having seen the written evidence copied to all councillors by the NHDC receptionist establishing the “Buffer Strip”, rebelled against the advice given to them by the council officers and voted, unanimously, not to endorse the recommendation of the Housing Services Sub Committee. Councillor Wilkinson did say to me, on leaving the meeting, “*Be careful the officers are very angry and you need to keep an eye on things*”, (minute 465a).

In 2001, less than four years after the NHDC Council had specifically protected the “Buffer Strip”, officers of the NHDC submitted part of the Buffer Strip to the Hertfordshire County Council for inclusion in the Hertfordshire Housing Assessment 2001-2016. The part of the “Buffer Strip” to the rear of 167 to 175 Baldock Road inclusive was referred to as LET051. The proposal was made available to view in the local library and, therefore, it must have been in preparation for some considerable time prior to its publication date. Using the advice previously given by Councillor Wilkinson I went to the library to look at the Hertfordshire County Council plans. As each council had submitted its own identified proposals to the Hertfordshire County Council it must have been NHDC officers who identified the land, i.e. the “Buffer Strip”, which was included as LET051 within the Hertfordshire County Council Housing Capacity Study 2001-2016 Proposal Sheet, Ref LET051, (Ref D1).

The proposed site showed buildings on the rear boundary lines of 167 to 175 Baldock Road inclusive, it also included a dotted line encompassing half the back garden of each property. My neighbours and I could not understand why half our gardens were included and the rest of the Buffer Strip left out. The inclusion of land up to this dotted line is specifically mentioned in LET051, (Ref D1). We came to the conclusion that this was intimidation because I had produced the documentation that defeated the NHDC officers’ proposals in 1997. Whilst a larger amount of the Buffer Strip has not always been included in all previous proposals, this section of the “Buffer Strip” has always been included.

In the Proposition Sheet there were a number of inaccuracies, namely;

- i The designation “Farm” destroys the identity of the “Buffer Strip” by implying it was farm land. It also implied it was a brown field site and thus could be built on. There is, and never was anything to suggest a farm.
- ii The description is inaccurate, the plot was not overgrown.

- iii When challenged, Hertfordshire County Council could not identify any building “currently up for sale” although the plan shows a new building on the site of an existing house, owned at that time by NHDC (Number 45 Radburn Way). As an observation is it unethical for a council to put up for sale a property it had identified for demolition?

This study was marked as a Non Starter in the Hertfordshire County Council paper but the question arises why the NHDC submitted this site for the consultants’ consideration in the first place in the full knowledge that the land could not be built on. Hertfordshire County Council letter dated 15th February 2002, (Ref D10), confirms reason for withdrawal is the covenant as identified by NHDC. My letter of the 11th March 2002 to Hertfordshire County Council, (Ref D11), thanks them for confirming that NHDC have informed them that a covenant exists on this land, i.e. the Buffer Strip.

On the 27th March 2003, (Ref D13), Hertfordshire County Council, Environment Department confirmed that NHDC had included part of the Buffer Strip in their Residential Development Potential statement for 1st April 2002 as LR.6,2. Yet another change of identification which again included only part of the “Buffer Strip”, being the land to the rear of 167-175 inclusive and another example of the NHDC attempt to develop the “Buffer Strip”.

To verify this, my wife and I tried to see a senior member of the NHDC Planning Department on the 31st March 2003. However, we were only able to see someone who said she had only been in post for six months, Ms M Saunders. We were shown a map that was out of date by some 7 years and there was a reluctance to identify exactly where LR.6,2 was. Ms Saunders stated that all sites entered into the Technical Report No 2-Housing Capacity in Hertfordshire had been marked in red on the map. As the map was out of date it did not identify the “Buffer Strip” in red. I then asked, on three separate occasions, where precisely was reference LR.6,2 and only after much hesitation did she concede it was “The Orchard”, i.e. the Buffer Strip. During this meeting with Ms Saunders she left the room on several occasions seeking advice from her department. This was perceived as yet another example of the NHDC being deliberately evasive. Following the meeting with Ms Saunders, I received an e-mail on 7th March which stated that the application had been a “mistake” and that it had been withdrawn and they had informed HCC to that effect, (Ref D14). This was followed up by a letter From M Saunders also dated 7th March 2003 in which Ms Saunders had coupled her name with Mr Beavan, a senior officer in the department, I therefore, believe that the letter was written with the full authority of the Planning Department (Ref D18).

As I now so distrusted NHDC officers and I thought they might include LR.6,2 and claim there had been no objections, I submitted a formal objection to the Hertfordshire County Council (Ref D19), and this time LR.6,2 was withdrawn. Further, there was no mention of Freeman House in either of these proposals and confirms, in my opinion, there was a hidden agenda on the original proposals in 1996/1997. It is also strange that only part of the “Buffer Strip” was included in these

proposals, the cut off point dividing the two most vocal residents, who now believe this to be a divide and rule policy.

In September 2003 having been alerted that the “Buffer Strip” had once again been included in yet another proposal, i.e. the NHDC Urban Capacity Study, compiled by Halcrow Associates I found that this time the “Buffer Strip” was designated 4030.

On the 23rd September 2003, I visited the Council Offices and asked to see a member of the Planning Staff and a Mr Richard Kelly came forward. I asked Mr Kelly that in the light of the written assurances received earlier in 2003 why this land was included? He said that the study was produced by consultants and the land in question would be removed before being submitted to the Council. As some of the consultants’ proposals had already been removed I asked why 4030 was still there, he said it was an “oversight”. I advised Mr Kelly that there had been many “oversights and mistakes” in relation to this land and I thought there was a hidden agenda. He assured me this was not the case. I requested that Mr Kelly write to me confirming that 4030 would be removed before being submitted to Council, he agreed to this.. I received a letter from Mr Kelly; dated 23rd September 2003, in which he confirms NHDC “will not be considering site 4030 as suitable for development, owing to the existence of the Legal Covenant”, (Ref E2).

My letter of 6th March 2004, (Ref E17), highlights the difficulty of even councillors obtaining information. I do not believe this is due to incompetence on the part of officers of the Council but a desire to provide only such information as supports their case. Councillor Cunningham in his email 27 February 2004, confirms delay in responding and general difficulties experienced with the Planning Department, (Ref E15).

Further to being alerted by my neighbour, Freeman House again came into the picture so I again began enquiries, this time with the Hertfordshire County Council. I also wrote to Quantum Care, provider of care services for Freeman House. A Mr D Parry, a Director of Quantum Care, stated in a telephone conversation on 25th May 2007 that, “Freeman House is not really suitable as a care home, it does not have en-suite and we do not feel it meets the standards required today. There appears to be some allotments to the side of Freeman House where there could be some development but things are at a very early stage”. (Ref F10).

On the 5th August 2007, I sent identical letters, (Ref F42), to Councillor K Emsall, Hertfordshire County Council, and Councillor Cunningham NHDC requesting information on the Buffer Strip. In that letter I made the point about harassment, waste of tax payers money and council officers time. My letter to Councillor Emsall, (Ref F42), was sent after having spent six months trying to obtain information from the Hertfordshire County Council relating to Freeman House. In his reply dated 1st September 2007, (Ref F49), Councillor Emsall informed me that the survey was only related to what might be done with Freeman House when vacated, it did not specify where a replacement would be located.

Late in 2007 a notice was placed in the local newspaper, which referred to information on a web site and in turn to the Local Development Framework, (LDF). Within this, two thirds of the Buffer Strip was identified as Lr/24. I endeavoured to find out from NHDC, (Ref F70), what criteria was used for land to be included in the Local Development Framework, as on the web site of the East of England Regional Assembly I could find no requirement for any criteria, only a statement that the Regional Assembly will comment on plans submitted to it.

On the 4th December 2007 in a letter to my local Councillor (Ref F59), I requested the criteria of land being included in the LDF. A letter dated the 8th February 2008, (Ref F78), two months later a letter from the Chief Executive confirmed that there was “*no specific criteria*”, thus the NHDC officers took it upon themselves to include the “Buffer Strip” in the Local Development Framework, despite being fully aware of the covenant as previously identified by NHDC Officers.

During the period of consultation on the NHDC paper; Land Allocations Issues & Options I wrote to Mr Scholes, (Ref F79), to point out that the Chief Executive had stated in his letter of 8th February, 2008, (Ref F78), that the Halcrow Report had been used to compile the LDF. In Mr Kelly’s letter dated 23rd September, 2003, (Ref E2), the Halcrow Report on the development of the “Buffer Strip” had been withdrawn on the grounds of the “*Legal Covenant*”.

In 2008, the NHDC published Local Development Framework Land Allocations-Issues and Options Consultation 24th January-19th March 2008 paper. This identified the “Buffer Strip as Lr/24”. Having failed to get the NHDC Planning Department to withdraw the Buffer Strip, I had no alternative but to submit an objection, (Ref F80).

Mention is again made about a relocation of Freeman House, (Ref F80a, page 2), (which was part of the LDF), but on this occasion it would appear that the Hertfordshire County Council had declined to become involved in the proposals, thus forcing the NHDC into a position of having to enter the “Buffer Strip” in the guise of The Owner.

The Local Development Framework discussion paper had a number of serious inaccuracies,

- i The picture does not show the section of the “Buffer Strip” in question but the entrance to the section of the “Buffer Strip” to be retained by the council.
- ii The area was not overgrown.
- iii Only two thirds of the Buffer Strip is included on this occasion. One must ask is this a further attempt to split the residents?
- iv Freeman House is mentioned three times within the proposed use and is listed as “residential” when it was a care home.

Some 3 months after the closure date for objections on the LDF I wished to compare the percentage objections received relevant to each site, I wrote to the NHDC Freedom of Information department requesting information on the relevant number of

objections or representations on the various sites, which had been received by the NHDC, only to be told I would have to pay for the information as it would require some eighteen hours to obtain, (Ref F87). I found this an unbelievable response as logic dictates each objection would have been allocated to the site it applies to. If this is so, to find the computerised information should take less than 30 minutes as it is basic statistical information. I asked for information for a specific site, LG6, and this information was forwarded to me, (Ref F93). Of the 63 properties that surround the "Buffer Strip" (this includes 20 homes in a block of flats which is part owner occupied and part council tenants); some of the tenants being unsure whether they were entitled to object. Despite this the NHDC received 32 individual objections, no petition was raised, each objection was an individual one made by the household submitting it. The Council officers admitted this to be a high percentage. Although not covered in the original agreement many of the properties on the south side of the "Buffer Strip" bought their property knowing the "Buffer Strip" could not be built on and are equally resolved to defend it.

During the Complaints Procedure I did receive from Mrs Atlay a copy of the legal opinion, (Ref F122), this turned out to be no more than the opinion of the NHDC legal department, not an independent one. Further it was the one presented to the Housing Services Sub Committee on 2nd January 1997. It is also the document which was so comprehensively rejected by the Housing Services Committee and Full Council on 21st January 1997 and the 25th February 1997 respectively,

Finally, I do not understand why the Estates Department did not take the opportunity, in 1997, to replace its "lost documentation" with copies of the documentation I presented. It certainly had the opportunity to do so. I contend that the only documentation missing in connection of the "Buffer Strip" relates to its preservation.

Maladministration and Misinformation

I understand that in 1984 the buffer strip, LG6 was "zoned on the District plan for residential development purposes". This was done without the knowledge of the residents of whose property backs onto the "Buffer Strip" and is in direct violation of the Minister's formal decision to preserve a buffer state.

NHDC have a history of being less than helpful, or perhaps it is incompetence, but what ever the reason they have, over a protracted period have made at least six attempts to develop the "Buffer Strip" and in each case when challenged have withdrawn the proposal. One may wonder why the officers of NHDC have this obsession to reverse the Councils decision and I will never forget what a councillor told me after the 1995 meeting; *"Be careful the officers are very angry and you need to keep an eye on things"*.

In December 2009 I approached my constituency MP over the proposed development of the "Buffer Strip". He wrote to NHDC in which I understand he made available various documents he had researched in the parliamentary archives. His advice to me was that "I have a good case", and being a QC this gives considerable credibility to my objection as it is also independent. As late as November last year NHDC

authorised the removal of the dead or diseased apple trees from LG6, some 95%, notwithstanding that the majority were still bearing fruit! Why NHDC should take this action prior to this Enquiry can only be a matter of conjecture.

I accept my documentation is not 100% complete but NHDC appear not to have any relevant documentation, one may wonder why?

Reasons for Not Approving the Development of LG6

My objection to the development of “The Buffer Strip”, ie LG6 is that it cannot be developed for housing due to the covenant as advised by NHDC Officers. It should be noted that when the development of the Jackman Estate was under consideration the documentation produced at that time only allowed the Jackman Estate development to precede subject to the provision of a “Buffer Strip”, in perpetuity, namely, LG6. Thus this land, LG6 cannot be included in the Local Plan 2011-2031.

LG6 is known locally as “The Buffer Strip” and since the amendment to the Letchworth Town Development Order this circa 1955 this has not stopped NHDC, in recent years trying to evade or ignore previous agreements despite acknowledging, in writing, a “Covenant” exists that prevents development.

The land referred to as LG6 in the current Local Plan 2011-2031 has been subjected to various housing development proposals by NHDC since the Council Meeting of 25th February 1997, namely;

Freeman House Scheme NHDC Agenda 14th January 1997

Buffer Strip NHDC letter dated 20th January 1997

LE051, Hertfordshire County Structure Plan 2001-2016

Lr/24 , Strategic Housing Land Available Assessment

4030, Halcrow Report

LR.6,2, Hertfordshire Structure Plan, Amendments 2001-2016

Site 13, NHDC correspondence, (1st Oct 13) and the Comet (13th Sep 13)

NHDC have in the past argued that when they acknowledge the covenant it was a “mistake” but over the period of time NHDC have made numerous mistakes. However, in 1996 a letter from NHDC, dated 10th September, 1996, (C15), accepts *“That something was said at the time of the Councils acquisition of what is now the Jackmans Estate is not in dispute”*.

It is a matter of record that every attempt over the past twenty years and prior to the inclusion in the North Hertfordshire Local Plan 2011-2031, NHDC has tried on at least six occasions, to develop the “Buffer Strip”, i.e. LG6. all previous proposals by NHDC were withdrawn on being challenged. Its inclusion in the current Local Plan 2011-2031 is, I suggest, yet another attempt to set aside the original agreement or covenant as referred to by NHDC officers.

I believe LG6 can only be built on once the present constraints have been revoked by a Court of Law and it is disingenuous on the part of NHDC to include it within the Local Plan 2011-2031 and putting this Enquiry in an invidious position.

I believe the residents of the Baldock Road properties, that abut LG6, have a continuing, and indeed legal right, to expect that the agreement made in 1958, for that land to be used for agricultural purposes or as extensions to residents gardens in perpetuity remains until the law rules otherwise.

Action Requested

My request, to this inquiry, is that the inclusion of LG6 in the North Hertfordshire Local Plan 2011-2031 be rejected on the grounds that there is a binding agreement, made in 1955 and thus there can be no justification to include LG6 North Hertfordshire Local Plan 2011-2031. The agreement, or in the words of NHDC officers a covenant, clearly sets out that the land can only be used for agricultural purposes or for the benefit of the Baldock Road houses that abut it, in perpetuity.

Thank you.

David Switzer
5th February, 2018